

Kent Ries, Attorney at Law
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COUNSEL FOR TRUSTEE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

IN RE:

**RICHARD K. ARCHER and
RUTH E. ARCHER,**

Debtors.

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§
§
§
§

CASE NO. 17-20045-RLJ-7

**THIRD MOTION OF COUNSEL FOR TRUSTEE FOR ALLOWANCE
OF COMPENSATION AND REIMBURSEMENT OF ADVERSARY EXPENSES**

TO THE HONORABLE ROBERT L. JONES, BANKRUPTCY JUDGE:

Comes now, Kent Ries, the trustee (“Trustee”) of the referenced Chapter 7 bankruptcy estate, and files this his Motion of Counsel for Trustee for Allowance of Compensation and Reimbursement of Adversary Expenses, and respectfully shows the Court as follows:

**I.
JURISDICTION**

This Court has jurisdiction over the subject matter of this Motion pursuant to 28 U.S.C. § 1334 and 11 U.S.C. § 330. The matter is core pursuant to 28 U.S.C. § 157.

**II.
BACKGROUND**

Debtors filed for relief under Chapter 7 of the United States Bankruptcy Code on February 24, 2017. Kent Ries was subsequently appointed and qualified to serve as the Trustee over the bankruptcy estate.

On March 6, 2017, the Trustee filed his Motion for Approval of Employment of Counsel, wherein the Trustee sought authority of this Court to employ the firm of Kent Ries (“Movant”) as his counsel pursuant to 11 U.S.C. § 327. On March 9, 2017, this Court entered its Order approving the employment of the Movant as counsel for the Trustee for such compensation and reimbursement of expenses as is determined appropriate on proper application to this Court.

Since the commencement of this bankruptcy proceeding, Movant has represented the Trustee in connection with this case and all legal services covered by this Motion were performed on behalf of the Trustee and not on the behalf of any other person or entity and none of the services were performed in any capacity other than as counsel for Trustee.

This Motion covers the time period from the time the case was filed, through April 30, 2022, however it is limited to time and expenses related to the Trustee’s Adversary No. 19-2001, against Estelle Archer, Branch T. Archer, III, Carajean Archer, Richard K. Archer, J., Natalie Archer and Advanta IRA Trust, LLC. This litigation seeds to recover over 6000 acres of farm and ranch land in Moore County, Texas. During this period and for that category of legal work, Movant has expended a total of 408.9 hours in the representation and counsel of the Trustee. Attached hereto and incorporated herein as Exhibit “A” is the statement of Movant setting forth the description of services rendered by Movant and the time expended in connection with the particular services rendered. The summary set forth in Exhibit “A” further provides an analysis by Movant of the hours expended and hourly rate normally charged for similar services. Movants

who have rendered services in connection with this proceeding as well as his hourly rates for bankruptcy and non-bankruptcy clients are as follows:

PROFESSIONAL	HOURLY RATE
Attorney	
Kent Ries	\$330.00

The total fee based upon the hours expended and hourly rates associated therewith for the period covered by this Motion amounts to \$134,937.00.

During the period covered by this Motion, Movant has necessarily incurred expenses in the representation and counsel of the Trustee. Expenses incurred during the period covered by this Motion total \$134,937.00. The expenses incurred are detailed in Exhibit "A" which is attached hereto.

III.

CASE STATUS

The assets administered by the Trustee that arose from the Trustee's objection to the Debtors' exemptions included the settlement on vehicles and three lots totaling \$87,000.00, the rental of two shopping centers totaling \$280,481.44 and the sale of one shopping center totaling \$751,000.00 in gross receipts to the Estate. There are multiple remaining assets which require liquidation by the Trustee including the remaining shopping center. Trustee anticipates a distribution to be made to the estate's attorney in the amount of \$139,774.52 upon Order of the Bankruptcy Court.

IV.

SERVICES RENDERED/PROJECT SUMMARY

Counsel has performed services which have been beneficial to the bankruptcy estate and which may be categorized into the following project categories:

- A. Adversary Proceeding 19-2001. Movant has assisted Trustee in all aspects of the Adversary litigation and related matters to same. Kent Ries performed all Category A services in no less than 408.9 hours at an actual cost to the estate of \$134,937.00. The time records attached hereto as Exhibit “A” set forth an itemization of all Category A services performed by Movant.

All services described above were performed by Movant and were necessary for the protection and proper administration of the estate herein and such services were rendered in the normal and usual course of the instant proceedings.

V.

Evaluation Standards

Pursuant to Section 330(a) of the United States Bankruptcy Code, a Bankruptcy court is required to consider the nature, extent and value of services rendered, taking into account all relevant factors, including various factors enumerated therein. The United States Court of Appeals for the 5th Circuit in *In re First Colonial Corp.*, 544 F.2d 1291 (5th Cir. 1977), and *Johnson vs. Georgia Highway Express, Inc.*, 488 F.2d 714 (5th Cir. 1974), has generated an extensive list of factors to be considered in evaluating compensation to be awarded a professional which is even more exhaustive than the factors to be considered in evaluating compensation to be awarded a professional than the factors listed in Section 330 (a) of the United States Bankruptcy Code. Movant requests that the Court consider the *First Colonial* factors in determining the amount of compensation that is reasonable for the services of Movant in this case:

- A. Time and Labor Required. Movant has expended no less than 408.9 hours in the representation and counsel of the Trustee in legal matters during the period

covered by this Motion as detailed on Exhibit "A". Movant maintains records of the time expended in the rendition of professional services for the Trustee, as well as for all of its clients, generally consisting of entries on time sheets by the attorney or paraprofessional performing such services, and retained in that form.

B. Novelty and Difficulty of Issues. The level of novelty and difficulty of issues raised in connection with this case was above that normally encountered in a Chapter 7 liquidation proceeding.

C. Skill Required. This matter has required a significant degree of skill from Movant.

D. Preclusion of Other Employment by Movant. This case has not presented an obstacle which has prohibited representation of other bankruptcy and non-bankruptcy clients.

E. Customary Fees. The hourly rates charged by attorneys and paraprofessionals during the period covered by this Motion have fallen within the following ranges:

Attorney	\$330.00
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Such hourly rates are with the range of fees customarily charged by attorneys with similar experience in the Northern District of Texas. Movant has incurred certain out-of-pocket expenses in this case prior to this Motion and has had to absorb other minimal cost for which it cannot seek reimbursement. Travel time has not been expended in performing services on behalf of the Trustee.

F. Contingent Fees. At all times, Movant's compensation has been contingent upon the availability of sufficient funds in the bankruptcy estate and the ultimate determination by this Court of this Motion.

- G. Time Limitations. Movant did have to expend a substantial amount of time on a priority basis in order to prepare for and try the litigation at issue.
- H. Results Obtained. The trial for this Adversary Proceeding concluded in April, 2022. The matter is currently under advisement with the Court.
- I. Experience, Reputation and Ability of Movant. Movant has represented creditors, Debtors and trustees in liquidation and reorganization proceedings throughout the State of Texas and its neighboring states and enjoys an excellent reputation in all courts in which he practices.
- J. Undesirability of the Case. This case may be said to be undesirable in that the delay and uncertainty in obtaining full compensation in comparison with other cases is significantly greater and the additional time required in preparing and submitting fee applications in the form and manner required by law and the guidelines propounded by the Office of the United States Trustee.
- K. Awards in Similar Cases. The compensation requested by Movant is consistent with compensation awarded in other cases of similar size and complexity in the Northern District of Texas.

VI.

REQUEST FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES

Kent Ries requests that he be allowed final compensation for his fees of \$134,937.00 and reimbursement of out-of-pocket expenses necessarily incurred in connection with the representation and counsel of the Trustee in the amount of \$4,837.52 for a total of \$139,774.52.

WHEREFORE, PREMISES CONSIDERED, Kent Ries, prays that this Court enter an Order (1) allowing the sum of \$134,937.00 as compensation for professional services rendered

to the Trustee during the period covered by this Motion and the amount of \$4,837.52 as its actual necessary costs and expenses incurred during this time, for a total amount of \$139,774.52(b) authorizing distribution on account of said fees and expenses of \$139,774.52 and (c) for such other relief, at law or in equity, to which Movant may show himself justly entitled.

Respectfully submitted,

Kent Ries
2700 S. Western St., Suite 300
Amarillo, Texas 79109

By: /s/ Kent Ries
State Bar No. 16914050

COUNSEL FOR TRUSTEE

CERTIFICATION OF APPROVAL

I, Kent Ries, certify that the Chapter 7 Trustee of the referenced bankruptcy estate has received and reviewed the foregoing Motion for Allowance of Compensation and Reimbursement of Expenses. The Chapter 7 Trustee has approved the Motion as submitted.

/s/ Kent Ries
Kent Ries

IMPORTANT NOTICE

NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT 205 SOUTHEAST FIFTH AVENUE, ROOM 201D, AMARILLO, TEXAS 79101, BEFORE 4:00 O'CLOCK P.M. ON JUNE 6, 2022, WHICH IS TWENTY-FOUR (24) DAYS FROM THE DATE OF SERVICE HEREOF.

ANY RESPONSE MUST BE IN WRITING AND FILED WITH THE CLERK, AND A COPY MUST BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED A HEARING WILL BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.

IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of May, 2022, a true and correct copy of the foregoing Motion was sent electronically via ECF or mailed in the United States mail, postage prepaid, to the parties listed on the attached matrix.

/s/ Kent Ries

Kent Ries

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

IN RE:	§	
	§	
RICHARD K. ARCHER and RUTH E. ARCHER,	§	CASE NO. 17-20045-RLJ-7
	§	
Debtors.	§	

SUMMARY SHEET
(Exhibit B)

Fees Previously Requested:	\$54,951.00	Name of Applicant:
Fees Previously Awarded:	\$54,951.00	Kent Ries
Expenses Previously Requested:	\$2,671.64	Role in the Case:
Expenses Previously Awarded:	\$2,671.64	General Counsel for Trustee
Retainer Paid:	\$0.00	Current Application
		Fees Requested: \$134,937.00
		Expenses Requested: \$ 4,837.52

FEE APPLICATION

Names of Professionals/ Paraprofessionals	Year Admitted to Practice	Hours Billed Current Application	Rate	Total Current Application
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ATTORNEY

Kent Ries	1987	408.90	\$330.00	\$134,937.00
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TOTAL	\$134,937.00
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205 East Fifth Street, Room 201D
Amarillo, TX 79101-1559

BSA
P.O. Box 4780
Troy, MI 48099-4780

Citibank, N.A.
PO Box 6062
Sioux Falls, SD 57117

David & Eileen Allison
7604 Rustling Cove
Austin, TX 78731-1332

David Allison
7604 Rustling Cove
Austin, TX 78731-1332

Internal Revenue Service*
Centralized Insolvency Operation
PO Box 7346
Philadelphia, PA 19101-7346

Kent David Ries
2700 S. Western Street
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Lovelady, Christy & Associates
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Amarillo, TX 79101-3520

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490
Austin, TX 78731-1081

Northwest Texas Healthcare System,
Inc.
1501 S. Coulter
Amarillo, TX 79106-1770

Patrick Alan Swindell
Swindell Law Firm
1619 S. Kentucky St., Ste. B202
Amarillo, TX 79102-2276

Potter County Tax Office
c/o Perdue Brandon Fielder
Collins & Mott, LLP
PO Box 9132
Amarillo, TX 79105-9132

PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541-1021

Randall County Tax Office
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Collins & Mott, LLP
PO Box 9132
Amarillo, TX 79105-9132

Richard K. Archer
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Amarillo, TX 79109-5003

Ruth E. Archer
6867 Fulton
Amarillo, TX 79109-5003

Swindell Law Firm P.C.
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Amarillo, TX 79101-4315

Synchrony Bank
c/o PRA Receivables Management,
LLC
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Norfolk, VA 23541-1021

Taxing Districts %PBFCM
Pedue Brandon Law Firm
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AMARILLO, TX 79105-9132

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Boykin, LLP
701 S. Taylor
Suite 440
Amarillo, TX 79101-2424

The Picard Partners, Ltd.
7807 Underwood Dr.
Amarillo, TX 79121-1533

United Collection Bureau
5620 Soutawyck Blvd, Suite 206
Toledo, OH 43614-1501

United States Trustee
1100 Commerce Street
Room 976
Dallas, TX 75242-0996

US Attorney
Amarillo National Plaza
500 S. Taylor Ste. 300, LB 238
Amarillo, TX 79101-2401

US Trustee
William T. Neary
1100 Commerce St. Rm. 976
Dallas, TX 75242-1011

Western Equipment
404 Frisco Ave.
Clinton, OK 73601-3440

Kent Ries, Attorney at Law

2700 s. Western Street
Suite 300
Amarillo, TX 79109

May 16, 2022

(806) 242-7437

TIN: 41-2046483

U.S. Trustee

Re: Fraudulent Transfer Litigation - Farm and Ranch

File #: 8091-590
Invoice #: 29476

Professional services

			<u>Hours</u>	<u>Amount</u>
3/8/2017	KR	Telephone call with Christy Drake on Qui Tam case and fraudulent transfer issues with Moore county farm real estate;	0.60	198.00
4/21/2017	KR	Draft Lis Pendens for Moore and Randall County real estate;	0.30	99.00
4/26/2017	KR	Revise Lis Pendens on Moore and Randall counties and research on current ownership;	1.20	396.00
4/27/2017	KR	Revise Lis Pendens on Randall and Moore counties; Compare real estate from tax appraisals to Lis Pendens;	1.60	528.00
6/2/2017	KR	Email to Christy Drake on Qui Tam settlement status; Review Lis Pendens in Randall and Moore Counties; Email with David Allison on Beltran suit;	1.10	363.00
7/24/2017	KR	Emails with Christy Drake on Qui Tam resolution;	0.20	66.00
10/25/2017	KR	Emails with Christy Drake on discovery/documents;	0.20	66.00
10/26/2017	KR	Prepare for and attend meeting with Christy Drake on Beltran case and real estate issues for farmland;	1.90	627.00
2/11/2019	KR	Review and organize documents for lawsuit filing; Review Beltran pleadings and other documents from Christy Drake for evidence of fraudulent transfer;	3.00	990.00
2/12/2019	KR	Draft deeds for settlement of litigation; Outline deposition and discovery questions for Defendants; Review federal and state court declaratory judgment rules; Organize real estate properties to put in litigation, research ownership of same;	4.60	1,518.00
2/14/2019	KR	Research on prior deeds from debtors to children; Telephone call with Moore County on same;	1.10	363.00

			<u>Hours</u>	<u>Amount</u>
2/15/2019	KR	List deeds needed and email to Moore County clerk; Draft complaint and research on declaratory judgment action;	3.70	1,221.00
2/18/2019	KR	Research on Moore County real estate and exhibits for complaint to match all real estate owned by debtors; Research on trespass to try title and declaratory judgment causes of action;	6.50	2,145.00
2/19/2019	KR	Research on claims against Archer's children on real estate; Research on Randall County real estate at issue; Revise complaint for Adversary;	4.60	1,518.00
2/20/2019	KR	Research on corporate entities with interest in real estate; Revise complaint; Verify all real estate at issue in Moore and Randall counties;	4.90	1,617.00
2/21/2019	KR	Add turnover cause of action to adversary, file same; Email to Paulina Jacoba on same; Telephone call from Paulina;	2.10	693.00
2/25/2019	KR	Review summons and trial date; Have summons issued;	0.40	132.00
2/26/2019	KR	Calendar pre trial dates; Review and serve completed summons by mail and in person;	0.60	198.00
3/5/2019	KR	Review service issues and resend to Branch Archer and Advanta IRA;	0.50	165.00
3/12/2019	KR	Telephone call from Advanta Services on subpoena issued to them;	0.30	99.00
3/13/2019	KR	Research on Midland IRA and serve same; Telephone call with Kenneth Netardus;	0.80	264.00
3/18/2019	KR	Telephone call with Kenneth Netardus on issues in adversary, including calendaring same; Emails with Kenneth on answer date;	1.40	462.00
4/1/2019	KR	Review answer from defendants; Draft and revise motion and orders to continue trial;	0.60	198.00
4/2/2019	KR	Revise and send continuance motion and orders to Kenneth Netardus;	0.30	99.00
4/23/2019	KR	Telephone call and email to Kenneth Netardus on trial date issues; Revise order on same; Prepare discovery requests;	0.80	264.00
4/24/2019	KR	Review and file motion and order to continue trial and scheduling order;	0.20	66.00
4/25/2019	KR	Review trial order and revise and upload pretrial order, calendar same;	0.40	132.00
4/26/2019	KR	Review and calendar pre-trial order and deadlines;	0.20	66.00
5/9/2019	KR	Telephone call from Kenneth Netardus on documents and issues with his clients;	0.80	264.00
5/20/2019	KR	Telephone call from Paulina Jacoba on issues in real estate litigation; Prepare for meeting with Kenneth Netardus;	0.80	264.00
5/21/2019	KR	Meeting with Kenneth Netardus on documents and case issues with real estate in Moore and Randall County;	2.40	792.00

			Hours	Amount
5/22/2019	KR	Telephone call with David Allison on real estate in Moore and Randall County, i.e. which are gift transactions and which are not;	2.10	693.00
5/23/2019	KR	Outline deposition and document questions for Richard Archer;	0.50	165.00
6/3/2019	KR	Review documents on real estate in Moore County received from tax office;	0.70	231.00
7/10/2019	KR	Review letter from Kenneth Netardus on real estate transfers and ownership;	0.30	99.00
7/22/2019	KR	Review discovery sent by Kenneth Netardus;	0.40	132.00
7/23/2019	KR	Telephone call with Kenneth Netardus and email to same on discovery and deadlines;	0.30	99.00
8/15/2019	KR	Draft interrogatories and requests for production to Defendants in adversary;	3.20	1,056.00
8/16/2019	KR	Finalize discovery requests and send to Kenneth Netardus;	1.80	594.00
8/28/2019	KR	Telephone call from Dee Miller on Archer real estate in Amarillo and Moore County;	0.40	132.00
9/13/2019	KR	Emails from Kenneth Netardus and reply to same on discovery and other case deadlines and new scheduling order;	0.30	99.00
10/7/2019	KR	Telephone call with Kenneth Netardus on trial setting and continuance and document discovery;	1.00	330.00
10/8/2019	KR	Telephone call with David Allison on adversary with Archer children and Randall County real estate;	0.40	132.00
10/10/2019	KR	Emails with Kenneth Netardus on adversary continuance, attend docket cal on same; Revise motion and order to continue;	0.80	264.00
11/1/2019	KR	Emails with Kenneth Netardus on continuance and pretrial order dates; Revise motion and order; Telephone call from Kenneth on same, Telephone call with David Allison on meeting;	1.00	330.00
11/4/2019	KR	Revise motion and order on continuance and pretrial dates, emails with Kenneth Netardus;	0.20	66.00
11/7/2019	KR	Review orders on trial and pretrial matters and calendar same;	0.30	99.00
11/8/2019	KR	Organize documents for David Allison's meeting;	0.50	165.00
11/12/2019	KR	Emails from Kenneth Netardus on trial issues;	0.30	99.00
1/7/2020	KR	Telephone call from David Allison on criminal cases; Review docket on all six cases; Review factual resumes and other pleadings; Telephone call and email with Kenneth Netardus on same; Email and telephone call with Lynn Tate on Estelle Archer Randall County real estate;	3.40	1,122.00
1/8/2020	KR	Emails with Dettie at Assiter's on Moore County real estate auction they are doing;	0.20	66.00

			Hours	Amount
1/13/2020	KR	Email from Dee Miller on Estelle Archer sale to Lynn Tate and prior ownership by Archer relatives;	0.20	66.00
1/17/2020	KR	Emails with Kenneth Netardus on discovery and deposition;	0.20	66.00
1/27/2020	KR	Outline response to motion for summary judgment in Adversary;	0.30	99.00
1/31/2020	KR	Telephone call with Kenneth Netardus on discovery, motion for summary judgment, trial and mediation; Emails and telephone calls with Byrn Bass on same;	1.30	429.00
2/10/2020	KR	Email from Dee Miller on Estelle Archer title history for Randall County real estate and review deeds from same;	0.50	165.00
2/12/2020	KR	Emails with Kenneth Netardus and Brynie Bass on mediation and tomorrow's docket call;	0.30	99.00
2/13/2020	KR	Emails with Brynie Bass and Kenneth Netardus on mediation and case status; Attend docket call on Defendant's Motion for Summary Judgment and case; Meeting with Kenneth on future motions; Draft motion and order to continue Motion for Summary Judgment and trial;	2.50	825.00
2/14/2020	KR	Draft and revise motion and order to continue Motion for Summary Judgment and trial; Email to Kenneth Netardus; Telephone call from Dee Miller on Moore County real estate title issue;	1.20	396.00
2/20/2020	KR	Emails from Kenneth Netardus on continuance documents; Revise and file motion and orders on same;	0.20	66.00
2/24/2020	KR	Emails from David Allison on sibling criminal cases, factual resumes and review Court dockets regarding final judgments on same;	0.70	231.00
2/25/2020	KR	Review orders on continuance and scheduling; Emails with David Allison on factual resumes on criminal cases;	0.30	99.00
3/4/2020	KR	Research on Branch Archer criminal docket and judgment;	0.30	99.00
4/28/2020	KR	Telephone call from Kenneth Netardus on motion for summary judgment and discovery issues;	0.50	165.00
4/29/2020	KR	Email to Brynie Bass and Kenneth on mediation; Draft response to Motion for Summary Judgment filed by Defendants;	2.20	726.00
4/30/2020	KR	Telephone call with Dean Boyd on real estate litigation; Prepare exhibits for motion for summary judgment response; Review documents documents produced from all sources; Review prior correspondence in case and adversary for evidence; Outline motion for summary judgment real estate at issue and history on same and other tracts in adversary; Outline settlement offer for adversary;	5.30	1,749.00
5/1/2020	KR	Outline settlement offer and telephone call with Kenneth Netardus on same; Review deeds in motion for summary judgment and prior deeds with Debtor and Debtor's entity Lamb Agri;	3.20	1,056.00

			Hours	Amount
5/2/2020	KR	Draft response to Defendant's motion for summary judgment;	5.50	1,815.00
5/5/2020	KR	Revise motion for summary judgment response; Telephone call with David Allison on real estate to be released;	5.40	1,782.00
5/6/2020	KR	Telephone call with Dean Boyd on Andrews depositions and pleadings on Estelle Archer's motion for summary judgment real estate;	0.80	264.00
5/7/2020	KR	Telephone call from Kenneth Netardus on settlement and motion for summary judgment issues; Telephone call from Van Northern on Richard Archer, Jr. wanting to refinance Moore County real estate; Telephone call from Dean Boyd on pleadings and interrogatories; Review email and documents from same; Emails with Kenneth and Van on refinancing;	2.00	660.00
5/8/2020	KR	Review Rachel and Ruthie Andrews depositions from Dean Boyd; Review discovery answers from same; Email and telephone call from Dean on same and documents produced; Review documents on real estate; Review Richard Archer and Estelle Archer factual resumes from criminal case, outline, key issues from same on real estate fraud;	2.60	858.00
5/9/2020	KR	Organize motion for summary judgment response exhibits; Revise response after Plaintiff's withdrawal of Richard K. Archer, Jr. tract;	4.40	1,452.00
5/11/2020	KR	Research on deed transactions, delivery and sham/void deeds; Revise same;	7.20	2,376.00
5/12/2020	KR	Revise affidavit for exhibits; Revise and file response to Defendants motion for summary judgment; Review and file exhibits for same; Review rules on motion for summary judgment exhibits and affidavits; Organize files for motion for summary judgment hearing on Thursday's docket;	5.00	1,650.00
5/13/2020	KR	Email and telephone calls with Kenneth Netardus on motion for summary judgment hearing; Telephone call with Kenneth on settlement issues; Draft partial release of lis pendens;	0.80	264.00
5/14/2020	KR	Attend docket call on Defendant's motion for summary judgment; Revise partial release of lis pendens;	1.20	396.00
5/15/2020	KR	Revise partial release of lis pendens and emails with Kenneth Netardus on same;	0.50	165.00
5/19/2020	KR	Revise and resend partial release of lis pendens; Emails with Kenneth Netardus on same;	0.60	198.00
5/27/2020	KR	Emails with Kenneth Netardus on adversary deadlines;	0.20	66.00
5/29/2020	KR	Review lis pendens release from clerk and email to Kenneth Netardus on same and settlement;	0.20	66.00
6/1/2020	KR	Email from Kenneth Netardus on global settlement status and pretrial deadlines;	0.20	66.00
6/10/2020	KR	Review documents from Kenneth Netardus and telephone call with same on Estelle Archer's real estate settlement;	1.30	429.00

			Hours	Amount
6/11/2020	KR	Review settlement offer from Kenneth Netardus on Moore County real estate;	0.20	66.00
6/19/2020	KR	Telephone calls with Kenneth and emails from same on telephone conference with granddaughters and global settlement;	0.40	132.00
6/22/2020	KR	Outline questions from Rachel and Ruthie Andrews interview; Emails with Kenneth Netardus on same; Telephone call from Kenneth on Richard/Natalie Archer settlement offer;	1.20	396.00
6/23/2020	KR	Review clerk's notice on motion for summary judgement hearing; Review Estelle Archer's financials to determine ownership of Moore County real estate; Prepare for meeting with Ruth and Rachel Andrews on Randall County real estate, review depositions of both;	1.40	462.00
6/24/2020	KR	Prepare for and attend telephone conference with Kenneth Netardus and Ruth Grant;	1.10	363.00
6/25/2020	KR	Telephone call with Rachel Andrew and with Kenneth Netardus on Randall County real estate owned by Estelle Archer; Review prior notes on this real estate from other parties and draft resolution of this and motion for summary judgment; Telephone call with Lynn Tate on same;	2.30	759.00
6/26/2020	KR	Telephone call with Lynn Tate on purchase of Estelle Archer's Randall County real estate; Telephone call and email with Kenneth Netardus on settlement of same and Moore County real estate;	0.50	165.00
7/6/2020	KR	Email from Kenneth Netardus on Randall County real estate and motion for summary judgment, reply to same and draft release of lis pendens on that real estate;	0.50	165.00
7/7/2020	KR	Review notice from Kenneth on motion for summary judgment settlement; revise release of lis pendens in Randall County and send to Kenneth;	0.80	264.00
7/8/2020	KR	Telephone call from David Allison on motion for summary judgment settlement and global settlement and fact issues; Email to Kenneth Netardus on Richard Archer settlement offer and recent debt incurred by them;	2.20	726.00
7/9/2020	KR	Review order on motion for summary judgement;	0.20	66.00
7/10/2020	KR	Telephone call from David Allison on IRA/tax issues that may be discovered and offered in settlement;	0.60	198.00
7/16/2020	KR	Review and reply to Kenneth Netardus' email; Revise lis pendens per same;	0.40	132.00
7/17/2020	KR	Telephone call and emails with Kenneth Netardus on lis pendens release for Estelle Archer, settlement and related issues with Richard Jr, and agreed summary judgment; Revise and send release exhibit to Kenneth;	1.40	462.00
7/20/2020	KR	Emails with Kenneth Netardus on global settlement, Randall lis pendens and motion for summary judgment;	0.40	132.00
7/23/2020	KR	Emails with Kenneth Netardus	0.20	66.00

			Hours	Amount
7/24/2020	KR	Revise motion to continue trial and related orders on same; Email to Kenneth Netardus;	0.70	231.00
7/28/2020	KR	Telephone call from Paulina Jacoba on status of criminal cases and evidence to turn over from same for estate adversary;	0.90	297.00
7/31/2020	KR	Telephone call with Kenneth Netardus on discovery schedule and continuance motion; Revise and upload motion to continue and order;	0.80	264.00
8/4/2020	KR	Review continuance order, calendar same; Revise and upload scheduling order; Telephone call with Dean Boyd on mediation issues with his creditor client; Telephone call with David Allison deed history;	2.00	660.00
8/5/2020	KR	Telephone call from David Allison on settlement issues;	0.30	99.00
8/7/2020	KR	Review order on pretrial dates and calendar same; Telephone call with Jay Ward on misfiled document;	0.30	99.00
8/13/2020	KR	Research on real estate deeds from Richard Archer, Jr. since filing bankruptcy;	0.50	165.00
8/17/2020	KR	Organize documents and file for discovery answers to Defendants interrogatories and requests for production; Draft answers to same;	3.60	1,188.00
8/18/2020	KR	Emails with Kenneth Netardus on discovery pleadings and documents; Review Kent Ries motion for summary judgment response and documents for same; Continue with answers to Defendants requests for production and interrogatories;	1.80	594.00
8/19/2020	KR	Organize criminal documents for request for production from Defendant; Organize bank statements for same; review factual resumes from Defendants for interrogatory answers; revise answers to interrogatories; Review all files for documents to produce, including computer files;	6.70	2,211.00
8/20/2020	KR	Review Defendants discovery answers and revise mine; Email to Kenneth on my answers and document production; Review Beltran case documents and correspondence and Phil Russ documents for production; Put all documents together for production and deliver same to Kenneth's office;	4.50	1,485.00
8/21/2020	KR	Revise interrogatories and requests for production answers; Email to Kenneth Netardus on thumb drive with documents; emails with Paulina Jacoba on grand jury documents; Telephone call from Paulina; Email to Kenneth with my discovery answers;	3.20	1,056.00
9/3/2020	KR	Email from and telephone call from Kenneth Netardus on litigation and discovery status, plan what's needed now and depositions soon;	0.80	264.00
9/8/2020	KR	Telephone call with Leighton Durham on issues with case and settlement of adversary;	0.60	198.00
9/17/2020	KR	Review and reply to Dean Boyd on settlement issues and mediation;	0.20	66.00
9/22/2020	KR	Email from and reply to Kenneth Netardus on documents from U.S. Attorney; Email to Paulina Jacoba on same;	0.20	66.00

			Hours	Amount
9/23/2020	KR	Telephone call from Paulina Jacoba on documents and depositions of RNA and FSA people; Draft admissions and interrogatories on IRA's;	1.60	528.00
9/24/2020	KR	Draft admissions and interrogatories to all three siblings;	3.50	1,155.00
9/25/2020	KR	Review and revise interrogatories, production requests and admissions to Kenneth Netardus; Draft motion to compel turnover of bank statements and tax returns;	2.10	693.00
10/13/2020	KR	Telephone call from Kenneth Netardus on discovery plan, mediation and trial plan;	0.70	231.00
10/22/2020	KR	Email from Kenneth Netardus on his discovery due and extension, reply to same;	0.40	132.00
11/10/2020	KR	Review and reply to emails from Kenneth Netardus on discovery answers due estate;	0.20	66.00
12/4/2020	KR	Telephone call with David Allison on settlement issues with real estate title and IRA's, also on mediation;	0.80	264.00
12/10/2020	KR	Telephone call with Kenneth Netardus on trial date and docket call; Prepare for and attend same; Draft motion to continue trial;	0.90	297.00
12/11/2020	KR	Draft and revise motion and order to continue trial;	0.50	165.00
12/14/2020	KR	Revise motion and order to continue trial and email documents to Kenneth Netardus for his review;	0.30	99.00
12/22/2020	KR	Emails with Kenneth Netardus; Revise and file motion and order to continue trial setting;	0.30	99.00
12/23/2020	KR	Review continuance order and calendar all pretrial dates;	0.20	66.00
2/16/2021	KR	Email with Kenneth Netardus on experts and documents in process;	0.20	66.00
2/23/2021	KR	Emails with Kenneth Netardus on discovery matters and document production;	0.20	66.00
2/26/2021	KR	Emails with Kenneth Netardus on discovery deadlines, extensions and depositions;	0.30	99.00
3/1/2021	KR	Emails with Kenneth Netardus on documents produced;	0.20	66.00
3/4/2021	KR	Review all documents and pleadings from Kenneth Netardus to my discovery requests;	0.50	165.00
4/14/2021	KR	Telephone call from Lynn Tate on status of Moore County litigation;	0.30	99.00
4/26/2021	KR	Draft motion and order to continue trial and emails with Kenneth Netardus on same;	1.10	363.00

			Hours	Amount
4/27/2021	KR	Telephone call with Kenneth Netardus on continuance, depositions and mediation; Revise and file motion and order to continue trial and amend scheduling order;	1.10	363.00
5/7/2021	KR	Telephone call from John Sims on status of real estate in adversary;	0.20	66.00
5/10/2021	KR	Calendar all pretrial and trial dates; Review pleadings to update;	0.30	99.00
6/17/2021	KR	Email to Kenneth Netardus on written discovery and depo's.	0.30	99.00
8/5/2021	KR	Email to Kenneth Netardus on discovery plan;	0.20	66.00
10/7/2021	KR	Telephone from Raul Gutierrez Investigator for USDA litigation; Email to same from Paulina Jacoba; Emails with Kenneth Netardus on Branch Archer depositions and related matters;	2.00	660.00
10/12/2021	KR	Telephone with Kenneth Netardus on deposition's and documents from grand jury; Emails with Kenneth and court reporter on same;	0.90	297.00
11/2/2021	KR	Revise and send deposition notices for Defendant's to Kenneth Netardus and court reporter; Draft questions for witnesses;	1.30	429.00
11/8/2021	KR	Review and reply to Dean Boyd on settlement status;	0.20	66.00
11/18/2021	KR	Emails to Kenneth Netardus and court reporter on next week depositions;	0.20	66.00
11/19/2021	KR	Review and update docket/pleadings; Review documents produced by defendants for use in next week depositions of Richard and Estelle Archer;	2.30	759.00
11/20/2021	KR	Review all pleadings and discovery answers; review documents produced; outline issues for Archer depositions;	7.20	2,376.00
11/21/2021	KR	Review Qui Tom and criminal case for Archer depositions; Prepare deposition questions; Research on Arnot Road / Olympic court transactions for Richard Archer Jr.;	8.40	2,772.00
11/22/2021	KR	Attend Deposition of Richard K. Archer Jr.; Telephone with David Allison on same; Prepare for Estelle Archer deposition;	7.20	2,376.00
11/23/2021	KR	Take Deposition of Estelle Archer; Meeting with Kenneth Netardus; Telephone with Dean Boyd and David Allison on same and trial issues, depositions; Prepare for Branch Archer deposition; Review and reply to Dean Boyd email;	6.10	2,013.00
12/1/2021	KR	Prepare questions and exhibits for Branch Archer deposition;	2.20	726.00
12/2/2021	KR	Prepare for and attend Branch Archer deposition; Meetings with Dean Boyd on same; Emails with Dean and review his deposition summary; Telephone with David Allison on deposition and multiple trial issues; Research on common interest doctrine and confidentiality agreement;	6.20	2,046.00
12/3/2021	KR	Organize documents and notes from party deposition's; Work on privilege log; Telephone with David Allison on common interest contract;	1.20	396.00

			Hours	Amount
12/9/2021	KR	Review correspondence and continuance orders on discovery delays and future work needed on discovery; draft subpoena's for Federal Land Bank and DOJ/OIG; Attend docket call on trial dates; Email to Kenneth on David Allison deposition;	1.40	462.00
12/17/2021	KR	Telephone with Kenneth Netardus on future depositions and documents from US Attorney and IRA default; Telephone with Asher at US Trustee on IRA and revenue referral; Review deposition transcripts of Defendant's and email court reporter on same;	2.60	858.00
1/5/2022	KR	Review trial date order from the court; Email from Kenneth Netardus on IRA's and David Allison deposition; Reply to same; Review email from Janice on deposition changes from Richard Archer Jr.;	0.70	231.00
1/10/2022	KR	Telephone with Dean Boyd and Kenneth Netardus on settlement offer;	0.80	264.00
1/11/2022	KR	Emails and telephone with Kenneth Netardus on IRA stipulation in pretrial order and on settlement offer to Branch Archer;	1.20	396.00
1/12/2022	KR	Revise subpoena's to Federal Land Bank and FirstBank Southwest for financial statement and loan application; Telephone with David Allison on deposition and trial status; Revise Common Interest Agreement;	2.30	759.00
1/13/2022	KR	Review email and documents from Kenneth Netardus; Revise and serve Subpoenas to FirstBank Southwest and Federal Land Bank;	0.60	198.00
1/17/2022	KR	Revise common interest agreement;	0.40	132.00
1/18/2022	KR	Telephone with David Allison on lender subpoenas; Review common interest agreement and email to same;	0.70	231.00
1/24/2022	KR	Telephone from John Massouh on subpoena to Plains Land Bank ; Telephone with David Allison on same and common interest agreement; Review financial statements on Richard Jr. Archer from Plains Land Bank;	1.30	429.00
1/25/2022	KR	Emails with David Allison on Common Interest Agreement and signatures on same;	0.20	66.00
1/28/2022	KR	Telephone with Paulina Jacoba on grand jury document production; Review email from same and ex parte motion and order on documents ;	1.00	330.00
1/31/2022	KR	Telephone with FirstBank Southwest on Subpoena; Email with Kenneth Netardus on settlement;	0.30	99.00
2/1/2022	KR	Review and reply to email from John Massouh on First Bank Southwest subpoena;	0.30	99.00
2/2/2022	KR	Emails with Kenneth Netardus on settlement offer to Branch;	0.30	99.00
2/3/2022	KR	Draft motion and order on grand jury document;	1.00	330.00
2/7/2022	KR	Revise grand jury documents motion;	0.30	99.00

			Hours	Amount
2/11/2022	KR	Telephone from David Allison on Branch settlement and trial strategy; Email party depositions to him; Emails with Dean Boyd and Blake Scott on Tuesday meeting for trial strategy; Outline issues for meeting;	1.80	594.00
2/14/2022	KR	Prepare for meeting with Dean Boyd and Blake Scott; Emails with John Massouh and Alysa Cordova on FirstBank Southwest subpoena; Email to Kenneth Netardus on mediation; Review and reply to court on trial dates; Draft scheduling order and email to Kenneth; Telephone with Daniel Hurley on deposition of David Boyd;	2.80	924.00
2/15/2022	KR	Prepare for meeting with Dean Boyd, Blake and Taylor on trial strategy and presentation; Email deposition and documents to Blake and Dean;	3.10	1,023.00
2/16/2022	KR	Emails with Blake Scott on Exhibits for trial; Email from Kenneth Netardus on mediation; Forward same to Blake and Dean Boyd; Email with Kenneth on Scheduling order; Review Financial Statements on all three defendants from FirstBank Southwest attorney, Alyssa Cordova; Telephone with Bryn Bass on mediation email to same; Email to Kenneth on same; Telephone with David Isaak on Justin Boyd deposition;	2.40	792.00
2/17/2022	KR	Revise grand jury request and order;	0.40	132.00
2/24/2022	KR	Emails with Kenneth Netardus on court trial scheduling order and mediation dates; Revise and upload scheduling order; Email with B. Bass on mediation;	0.80	264.00
2/25/2022	KR	Review and reply to Brynie Bass emails on mediation; Send him live pleadings;	0.40	132.00
2/28/2022	KR	Revise grand jury motion and order and email same to Paulina Jacoba for filing; Email to David Isaak and Daniel Hurley on Boyd deposition; Organize files for mediation; Email to Brynie Bass and Kenneth Netardus on mediation;	3.30	1,089.00
3/1/2022	KR	Emails from Kenneth Netardus and Brynie Bass on mediation next week; Telephone with Kirk Crutcher on same; Organize correspondence and documents for trial; Telephone with Kenneth Netardus on mediation and trial stipulation;	2.60	858.00
3/2/2022	KR	Email from Kenneth Netardus and reply to same on next week mediation; Telephone with Kirk Crutcher on same; Telephone from David Boyd on Archer history;	1.40	462.00
3/3/2022	KR	Telephone with Brynie Bass on mediation; Email from David Isaak on meeting with Mr. Boyd and reply to same;	0.30	99.00
3/4/2022	KR	Review questions for Justin Boyd meeting; Telephone from Kenneth Netardus on mediation, pretrial order, trial exhibits and witnesses;	1.20	396.00
3/9/2022	KR	Email to Paulina Jacoba on documents motion status; Prepare for and attend Zoom interview with Justin Boyd on ownership issue;	0.80	264.00
3/10/2022	KR	Review and reply to email from Kenneth Netardus on settlement and mediation; Email to Dean Boyd on same;	0.50	165.00

			<u>Hours</u>	<u>Amount</u>
3/11/2022	KR	Review and reply to email from Taylor Seaton on trial preparation matters; Review criminal pleading for exhibits; work on Witness and Exhibit list;	1.00	330.00
3/15/2022	KR	Telephone from Christy at Legacy title on Lis Pendens for Randall County real estate;	0.30	99.00
3/16/2022	KR	Email to Taylor Seaton on research needed for trial brief; Telephone from Mark Mosely on sale on Richard Archer Jr. real estate;	0.70	231.00
3/19/2022	KR	Email to Paulina Jacoba on government documents; Email to Dean Boyd on research and trial brief;	0.30	99.00
3/21/2022	KR	Telephone and email from Kim Clark at Dean Boyd's on documents; Telephone and emails from Paulina Jacoba on grand jury documents; Review revised motion and order on same;	0.70	231.00
3/22/2022	KR	Telephone and emails with Paulina Jacoba on documents needed for motion to produce grand jury documents; Organize pleadings for trial notebook; Review documents for witness and exhibit list due Friday;	3.50	1,155.00
3/23/2022	KR	Multiple emails with Dean Boyd form; Outline exhibits for Witness and Exhibit list; Revise list; Review all deeds and discovery and add to list; Review all documents and add to list; Meeting with multiple attorneys from Dean Boyds on zoom for pretrial items due;	6.60	2,178.00
3/24/2022	KR	Review exhibits and revise witness and exhibit list; Emails with David Allison on acquisition deeds and testimony;	4.70	1,551.00
3/25/2022	KR	Revise and file witness and exhibit list; Organize all documents pursuant to same; Telephone with Kenneth Netardus on exhibits and Pretrial Order; work on Pretrial Order stipulations;	5.60	1,848.00
3/28/2022	KR	Email from David Allison on real estate deeds; Review and reply to email from Kim Clark on exhibits; Telephone with David on deeds and his testimony; Draft Finding Facts and Conclusion of Law;	5.80	1,914.00
3/29/2022	KR	Review and revise Trial Brief; Telephone from Taylor Seaton on same; Review all cases in Trial Brief;	3.20	1,056.00
3/30/2022	KR	Work on finds of facts and conclusions of law, trial brief and pretrial order; Telephone with Tammy Holt on brief changes; Emails with Taylor Season on same and finalize brief;	9.20	3,036.00
3/31/2022	KR	Revise and file Trial Brief, and Findings of Fact and Conclusions of law; Revise and email Pretrial Order to Kenneth Netardus; Emails with Kenneth; Emails to counsel on pleadings; Review Brief from Kenneth;	4.00	1,320.00
4/1/2022	KR	Emails and telephone with Kenneth Netardus on his pretrial order changes, revise and file pretrial order; Emails with Dean Boyd and his attorneys on trial issues;	1.80	594.00
4/3/2022	KR	Review all exhibits from Kenneth Netardus for possible objections; Email to Kenneth on same;	1.70	561.00

			Hours	Amount
4/4/2022	KR	Draft Joint Stipulation on trial exhibits; Review findings of fact and conclusions of law from Kenneth Netardus ; Email Tommy Holt on limitations issue; Revise Stipulation and send to Kenneth; Review and reply to email from Dean Boyd; Review email from David Allison on testimony; Telephone with David;	2.30	759.00
4/5/2022	KR	Telephone from David Allison on testimony and Debtor's passing; Outline opening statement and presentation of evidence; Email from court on Pretrial Order and Joint Stipulation;	7.10	2,343.00
4/6/2022	KR	Emails from Kenneth Netardus and with counsel on trial dates after Archer passing; Prepare opening and witness questions; Review trial brief on limitation issue from Tammy Holt;	7.70	2,541.00
4/7/2022	KR	Review Taylor Seaton's powerpoint and email to her on changes; Revise witness questions for David Allison; Attend docket call for trial; Telephone with David on questions and trial date; Telephone with Dean Boyd on his trial testimony; Emails and Telephone from Paulina Jacoba on documents and trial witnesses / cross exam ; Review depositions of Branch and Estelle Archer; Outline trial questions for same;	7.50	2,475.00
4/8/2022	KR	Telephone with Lynzie Norton on deeds needed at Moore County; Telephone from Raul Guterrez on USDA documents and criminal case; Emails with same on documents including power of attorney; Telephone with David Allison on deeds; Draft all questions for Branch Archer testimony; Review and outline Richard Archer deposition;	10.40	3,432.00
4/9/2022	KR	Draft all questions from Estelle and Richard Archer testimony ;	8.30	2,739.00
4/10/2022	KR	Review opening argument;	8.50	2,805.00
4/11/2022	KR	Prepare for tomorrow testimony with Estelle Archer and Branch cross;	2.50	825.00
	KR	Attend trial and meeting with counsel;	8.60	2,838.00
4/12/2022	KR	Attend trial and meeting with counsel; Prepare for tomorrow testimony with Richard Archer and closing argument;	9.00	2,970.00
4/13/2022	KR	Attend trial and meeting with counsel; Organize documents for closing argument;	9.50	3,135.00
4/14/2022	KR	Review email from Tommy Holt on closing argument points; Add mine; Review Dean Boyd trial transcript; Organize all files from trial; Draft closing argument;	5.70	1,881.00
4/15/2022	KR	Prepare closing argument and attend hearing on same; Telephone from David Allison and Dean Boyd; Emails with Tammy Holt and Dean Boyd; Telephone with Kenneth Netardus on 108 sale proposal;	7.00	2,310.00
4/19/2022	KR	Revise and file trial brief; Email to Mercer Martin on same and pretrial order issues;	1.10	363.00

			<u>Hours</u>	<u>Amount</u>
4/20/2022	KR	Review email from Mercer Martin on Pretrial Order and stipulations; Telephone with Kenneth Netardus on same; Telephone with John Massouh on sale of 108 in Randall County;	0.50	165.00
4/21/2022	KR	Telephone with Kenneth Netardus on stipulation in pretrial order and sale of 108 property; Email to Mercer Martin on same; Telephone with John Massouh on 108 sale;	0.90	297.00
For professional services rendered			408.90	\$134,937.00
<u>Expenses:</u>				
2/14/2018		Recording Fee - Notice of Lis Pendens;		16.00
2/20/2019		Filing Fee - Texas Secretary of State;		11.30
2/21/2019		Filing Fee - Ranch Adversary		350.00
2/27/2019		Postage - Complaint and summons (4 x 1.36);		5.44
		KR Copies - Complaint and Summons (108 x .20);		21.60
6/24/2020		Records search in Pacer District Court criminal cases;		46.50
10/12/2020		Pacer search on Beltran district court case;		9.50
11/21/2021		KR Copies - Deposition Exhibits for defendants		183.40
12/22/2021		Deposition Costs for Richard K. Archer Jr. , Estelle Archer and Branch T. Archer, III		3,091.00
1/13/2022		Certified Mail for bank subpoenas;		14.76
4/7/2022		KR Copies - Deposition copies for trial;		58.00
		KR Copies - Trial copies;		850.60
4/11/2022		Trial Parking		40.50
		Trial Lunchs		83.92
4/30/2022		Deeds for Trial		55.00
Total expenses				\$4,837.52
Total amount of this bill				\$139,774.52